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Attorneys for Defendant/Counterclaim Plaintiff  
DONG YOUNG DIAMOND INDUSTRIAL CO., LTD,  
AND DONGSOO LEE.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CONTINENTAL D.I.A. DIAMOND  
PRODUCTS, INC., a California corporation,

**Plaintiff/Counterclaim Defendant,**

v.

DONG YOUNG DIAMOND INDUSTRIAL  
CO., LTD, a South Korean company, DONGSOO  
LEE, an individual, and DOES 1-10, inclusive,

### Defendant/Counterclaim Plaintiff.

Case No. 08-cv-2136-SI

**DECLARATION OF MARC M.  
GORELNIK IN SUPPORT OF  
DEFENDANTS' REQUEST TO  
ENLARGE TIME FOR FILING  
OPPOSITION TO MOTION TO  
STRIKE  
(Civil L.R. 6-3)**

Date: August 29, 2008  
Time: 9:00 a.m.  
Location: Courtroom 10, 19th Floor

1 I, Marc M. Gorelnik, declare:

2 1. I am a partner at the law firm Townsend and Townsend and Crew LLP, the  
3 attorneys for Defendant/Counterclaim Plaintiff Dong Young Diamond Industrial Co., Ltd, and  
4 Dongsoo Lee ("Dong Young") in this case, and am duly licensed to practice in the state of  
5 California. I submit this Declaration Of Marc M. Gorelnik In Support Of Defendants' Request  
6 To Enlarge Time For Filing Opposition To Motion To Strike. The following facts are within my  
7 personal knowledge and I could and would be competent to testify to them if called as a witness  
8 in this matter.

9 2. The request to enlarge time is made to permit the Court to make a ruling on the  
10 merits of Plaintiff's Motion to Strike. I am local counsel in this matter. I inadvertently failed to  
11 forward the second of two motions to trial counsel for response. Accordingly, a timely  
12 opposition was not filed. I became aware of the motion when Plaintiff filed its reply on the  
13 afternoon of August 14, 2008.

14 3. In my fifteen years of practice, I have never failed to timely file a paper on behalf  
15 of a client or needed to seek relief under Civil L.R. 6-3.

16 4. On seeing Plaintiff's filing of a reply, I immediately sought to reach Mr. Ratinoff,  
17 Plaintiff's counsel. He did not answer his phone, so I left a detailed message explaining the  
18 circumstances and asking for his understanding of Dong Young's late filing of an opposition.  
19 Unfortunately, I have not received a response from Mr. Ratinoff, so it is not possible to reach a  
20 stipulation on the matter.

21 5. I do not believe that any party is prejudiced by requested enlargement of time.  
22 The Motion to Strike substantially overlaps Plaintiff's Motion to Dismiss, which the parties' have  
23 fully and timely briefed. Dong Young's motion seeks to preserve Plaintiff's opportunity to file a  
24 reply.

25 6. I recognize that the Court will have one week instead of two to consider this  
26 motion after it is fully briefed. I ask for the Court's understanding, particularly in view of the

incremental nature of the motion to strike and the more substantive and co-pending motion to dismiss.

7. The parties earlier stipulated to provide Dong Young with additional time to respond to the Complaint.

8. The requested enlargement would not have any impact on the schedule for the case.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED this 15th day of August, 2008, at San Francisco, California.

/s/ Marc M. Gorelnik

Marc M. Gorelik

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